

UNITED STATES DISTRICT COURT

for the
District of New MexicoIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)Body of Santiago QUINTANA, Jr.
(year of birth 1953)

Case No. 23mr399

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
See attachment A

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):
See attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C. § 1153
18 U.S.C. § 2241(c)

Offense Description
Offenses Committed within Indian Country
Aggravated Sexual Abuse with Children

The application is based on these facts:
See attached affidavit

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Molly Schommer, FBI Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephonically sworn and electronically signed (specify reliable electronic means).

Date: 02/21/2023

Judge's signature

City and state: Albuquerque, New Mexico

Steven C. Yarbrough, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

INTRODUCTION AND BACKGROUND

1. I, Molly Schommer, being first duly sworn, make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the body of Santiago QUINTANA Jr., Year of Birth (“YOB”) 1953, a member of the Santo Domingo Pueblo, to collect Deoxyribonucleic Acid (“DNA”) samples by way of buccal swabs. I believe QUINTANA’S DNA may be present on swabs and/or underwear collected from L.Q., YOB 2009, a member of the Santo Domingo Pueblo, hereinafter “Jane Doe 1”, during a Sexual Assault Nurse Examiners (“SANE”) exam. Based on my training and experience and the facts set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C. §§ 1153, 2241(c), and 2246(C), that being Offenses Committed within Indian Country and Aggravated Sexual Abuse with Children have been committed by QUINTANA.

2. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since April of 2021. As such, I am a federal law enforcement officer within the meaning of Rule 41 of the Federal Rules of Criminal Procedure. I am currently assigned to the Violent Crime Task Force (“VCTF”) at the Albuquerque Field Office of the FBI. I primarily investigate Indian Country cases, such as homicide and sexual assault, along with gang-criminal enterprises and Drug Trafficking Organizations (“DTOs”) involved in the unlawful possession of firearms, distribution of controlled substances, racketeering activities, and conspiracies associated with these offenses. I have received on the job training from other experienced agents, detectives, and correctional officers in the investigation of criminal actors, gangs, and criminal organizations. My investigative training and experience includes, but is not limited to, the FBI Training Academy at Quantico, Virginia; interviewing subjects, targets, and witnesses; writing affidavits for, and

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executing search and arrest warrants; collecting evidence; conducting surveillance; and analyzing public records. Additionally, I received advanced training and instruction from the United States Indian Police Academy related to Indian Country offenses. Before becoming an FBI agent, I was a criminal prosecutor for two years. Through my training and experience both as an FBI Special Agent and city and county prosecutor, I am familiar with techniques used by criminal actors, DTOs, gangs, and criminal enterprises.

3. As a result of my training and experience and my knowledge of this investigation, I know that persons who commit sexual abuse acts tend to come in contact with various parts of a victim's body and clothing items. I am also aware that when individuals handle various objects or touch various body parts or clothing, their DNA is often left behind and is detectable by lab technicians.

4. The facts in this affidavit come from my personal observations, my training and experience, information obtained from other law enforcement officers and witnesses, and records I have reviewed. Because this affidavit is submitted for the limited purpose of securing a search warrant, I have set forth only those facts I believe are necessary to establish probable cause to support a search warrant to collect QUINTANA'S DNA.

STATEMENT OF PROBABLE CAUSE

5. On January 25, 2023, Bureau of Indian Affairs ("BIA") notified the FBI of an allegation of sexual abuse of children that took place on the Santo Domingo Pueblo. The report came in through the principal at the Santo Domingo School. Numerous interviews were conducted by the FBI and BIA as explained further in this affidavit.

6. On January 31, 2023, an FBI Child Adolescent Forensic Interviewer ("CAFI") interviewed Jane Doe 1. Jane Doe 1 stated that on the morning of January 25, 2023, she was getting

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ready for school at her dad's house, which is located within the exterior boundaries of the Santo Domingo Pueblo. Jane Doe 1's uncle, QUINTANA, was talking to Jane Doe 1 and rubbing on her thighs and hips. Jane Doe 1 hit QUINTANA with her fist. QUINTANA went inside Jane Doe 1's clothes touching and squeezing her butt. Jane Doe 1 pushed QUINTANA off and hit him again. QUINTANA went to Jane Doe 1's private part and forcefully put his finger into her private part, which she described as the front part used to pee. Jane Doe 1 stated, "It hurt."

7. Jane Doe 1 stated that she and her sibling, L.Q., YOB 2009, a member of the Santo Domingo Pueblo, hereinafter "Jane Doe 2", were touched by QUINTANA for about six years.

8. When Jane Doe 1 was seven years old, she was sleeping and could feel QUINTANA'S tongue on her neck, kissing down to her breasts, stomach, and front private part. QUINTANA pulled Jane Doe 1's pants and underwear down and started kissing it. QUINTANA used his tongue to lick and kiss. Jane Doe 1 pulled a blanket up. Jane Doe 1 did not like it and pushed QUINTANA off. QUINTANA pulled the blanket off and started again. Jane Doe 1's dad opened the door and QUINTANA got up quick. QUINTANA told Jane Doe 1 not to tell. QUINTANA did this same thing when Jane Doe 1 was nine years old. QUINTANA spread out Jane Doe 1's legs, pulled down her pants and underwear, and started kissing and licking.

9. The rubbing, touching, kissing, and licking of Jane Doe 1's private part happened almost every day. Jane Doe 1 was scared QUINTANA would hurt her because of the way QUINTANA forcefully put his fingers in Jane Doe 1.

10. On January 31, 2023, an FBI CAFI interviewed Jane Doe 2. Jane Doe 2 was six years old or so when Jane Doe 2's uncle, QUINTANA, first touched Jane Doe 2. QUINTANA pulled down Jane Doe 2's pants and started touching Jane Doe 2 with his hands. Jane Doe 2 stated this hurt because QUINTANA was forcefully touching her private part, which she described as

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her crotch used to pee. QUINTANA took two fingers and forcefully put them in there. Jane Doe 2 told QUINTANA to stop. QUINTANA pushed Jane Doe 2 away.

11. Jane Doe 2 indicated it happened about five times a month and once a week. It was the same thing over and over again, which was QUINTANA using his fingers like the first time. QUINTANA would get on top of Jane Doe 2, hold her arms, and hold her down. QUINTANA would do the same things with his fingers by pulling down Jane Doe 2's pants and using his fingers both over and under her clothes. Jane Doe 2 stated it hurt her private part because QUINTANA would forcefully do it.

12. Additionally, Jane Doe 2 saw QUINTANA use his mouth on Jane Doe 1's private part. Furthermore, when Jane Doe 2 was twelve years old, QUINTANA was rubbing Jane Doe 2, pulled down her pants, and started doing it under her clothes. Jane Doe 2 fell asleep and woke up with her pants down. Jane Doe 2's sibling said QUINTANA used his mouth. QUINTANA came in and said, "Did you like it?"

13. On the morning of January 25, 2023, Jane Doe 2 saw QUINTANA touch Jane Doe 1. QUINTANA grabbed Jane Doe 1 forcefully, pulled her back, and was sitting her down. QUINTANA was kissing Jane Doe 1 and touching Jane Doe 1's private part with his fingers. Jane Doe 1 pushed QUINTANA away.

14. On the evening of January 25, 2023, Jane Doe 1 received a SANE exam at Albuquerque SANE Collaborative. Jane Doe 1's labia majora was labeled as abnormal with the comment, "Linear tear noted at right sulcus from 0900-1200." Additionally, Jane Doe 1's hymen was labeled as abnormal with the comment, "Red bruising noted from 0500-0700." The following items were collected: underwear worn by Jane Doe 1 to the exam, air-dried mons pubis/outer labia major swabs, air-dried vaginal swabs, air-dried anal swabs, and swabs of neck and bilateral breasts.

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CONCLUSION

15. Based on the information contained herein, I believe probable cause exists indicating QUINTANA violated 18 U.S.C. §§ 1153, 2241(c), and 2246(C), that being Offenses Committed within Indian Country and Aggravated Sexual Abuse with Children. As such, I am seeking authorization to collect DNA samples from QUINTANA to be utilized in the examination of the evidence collected in this matter, specifically to compare with any DNA that may be found on evidence collected during Jane Doe 1's SANE exam. I will request the laboratory compare any DNA found on the SANE exam samples and/or underwear to the DNA obtained from QUINTANA.

16. Based on the information contained herein, I believe probable cause exists to search QUINTANA for the purpose of obtaining DNA samples by buccal swabs pursuant to Rule 41 of the Federal Rules of Criminal Procedure.

17. This affidavit was reviewed and approved by Supervisory Assistant United States Attorney Elisa Dimas.

Respectfully Submitted,


Molly Schommer
FBI Special Agent

ELECTRONICALLY SUBMITTED AND TELEPHONICALLY SWORN TO BEFORE ME ON
FEBRUARY 21, 2023.

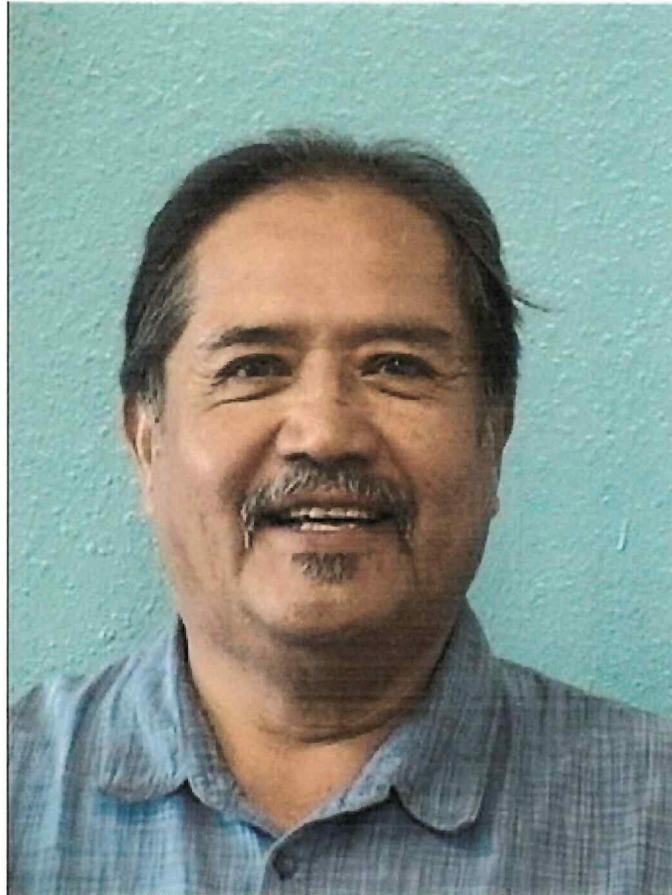

HONORABLE STEVEN C. YARBROUGH
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF NEW MEXICO

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ATTACHMENT A

Person to Be Searched

The person to be searched is Santiago Quintana Jr., DOB xx/xx/1953, whose photograph is shown below:



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ATTACHMENT B

Property to Be Seized

1. DNA samples, via buccal (cheek) swabs, from Santiago Quintana, Jr.